

FREDRIKSON & BYRON, P.A.  
NEWS RELEASE

## **AUTHOR OF CONCEAL & CARRY LAW REFUSES TO PRODUCE DOCUMENTS AND TESTIFY**

### **Claims “Legislative Immunity”**

February 24, 2004 – The author of Minnesota’s “conceal-and-carry” gun law, State Representative Lynda Boudreau, has refused to produce documents and testify under oath in a court case. The documents and testimony were sought in a Ramsey County lawsuit brought by numerous religious institutions who believe the law is unconstitutional.

Attorneys for the religious institutions requested Rep. Boudreau’s documents and scheduled her deposition for February 26. They sought information on the process by which the conceal-and-carry law was attached to an unrelated Department of Natural Resources bill. But, in a sworn affidavit (attached), Rep. Boudreau declined to produce documents and testify, asserting that she has “legislative immunity” under the Minnesota Constitution.

David Lillehaug, one of the attorneys for the religious organizations, commented, “When the author of this controversial law refuses to produce her documents and testify under oath, we certainly wonder what she wants to keep secret. We’d hoped she’d care more about the important constitutional issues in this case than about her special privileges as a state legislator.”

The religious institutions’ lawsuit alleges that the conceal-and-carry law infringes the free exercise of religion and that the law was passed in violation of the “single subject” provision of the Minnesota Constitution.

Lillehaug said that his clients have not yet decided whether to seek a Court order against Rep. Boudreau or whether they will simply ask the Court to consider her silence when the case is decided.

Mr. Lillehaug may be reached at 612-492-7321. Regular updates on the lawsuits against conceal-and-carry may be found at the Fredrikson & Byron website, [www.fredlaw.com](http://www.fredlaw.com).

STATE OF MINNESOTA

}

COUNTY OF RAMSEY

} ss.  
}

Lynda Boudreau being first duly sworn, on oath deposes and says:

1. I am member of the Minnesota House of Representatives, being duly elected and serving as the representative of district 26B for the eighty-third session (2003-2004) of the Minnesota Legislature.

2. On Monday February 16, 2004, Joel Michael, Legal Services Coordinator for the Minnesota House of Representatives, received a subpoena *duces tecum* (hereafter referred to as the "subpoena"), requested by the plaintiffs in the case of Unity Church, et al. v. State of Minnesota (Ramsey County Court File No C9-03-9570). This subpoena orders me to appear as a witness and give testimony in a deposition at 9:00 AM on Thursday February 26, 2004 in the offices of Fredrickson & Byron, P.A. 200 South Sixth Street, Minneapolis, Minnesota 55402 and to produce various listed documents and records.

3. The Minnesota House of Representatives is currently meeting in its 2004 regular session, the adjournment of which is not constitutionally required until May 17, 2004. The legislature has not prescribed, by rule, resolution or otherwise, an earlier date for adjournment.

4. Minnesota Statutes, section 3.16 provides:

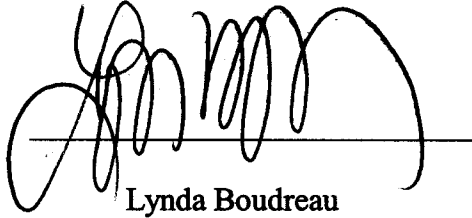
No member \* \* \* of \* \* \* the legislature shall be compelled to attend as a witness in a court of this state during a session of the legislature \* \* \* unless the court in which the action is pending orders it, upon sufficient showing and with \* \* \* the consent of the body of which the witness is a member.

5. I have not waived and do not intend to waive my privilege under Minnesota Statutes, section 3.16.

6. The House of Representatives has not consented, by passing a resolution or motion or otherwise, under Minnesota Statutes, section 3.16 to authorize me to respond to the subpoena.

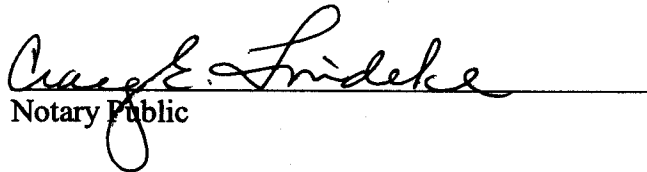
7. With regard to the subpoena, I also intend to assert and assert immunity under the Speech

and Debate Clause of the Minnesota Constitution, article IV, section 10, because, based on information and belief, the plaintiffs seek to question me regarding matters within the legitimate legislative sphere, namely my involvement as a member of the Minnesota House of Representatives in drafting, considering, and passing the Minnesota Citizens' Personal Protection Act of 2003 and related legislative matters. Any matters on which I could testify or provide documents, other than those related to matters within the legitimate legislative sphere, would be irrelevant to the lawsuit. I have not waived and do not intend to waive my Speech and Debate Clause immunity.



Lynda Boudreau

Subscribed and sworn to before me on February 17, 2004.



Notary Public

